

Laboratory Certification Standards Review Council Meeting Minutes From 8/18/2005

Attendance

Council Members: Paul Junio (Chair), George Bowman (Vice Chair), Katie Edgington, Randy Herwig, Steve Jossart, Kurt Knuth

DNR Staff: David Webb, Greg Pils, Rick Mealy

Others in Attendance: R.T. Krueger (Northern lake Service), Paul Harris (Davy Laboratories)

Summary and Action Items

At this meeting the Certification Standards Review Council:

- approved the minutes from their May 17, 2005 meeting
- welcomed new member Steve Jossart, replacing Jim Kinscher as the industrial lab representative
- were updated on NR 149 changes
- were updated on LabCert Audit performance
- discussed consistent audit practices
- voted to allocate \$11,500 of LabCert training funds to the State Laboratory of Hygiene to develop ICP and BOD training sessions based on discussions held during this meeting.
- tentatively scheduled the Council's next meeting for Thursday, November 17, 2005

Agenda Items

I. Check in/Agenda Repair

A. No additions or changes were made to the agenda.

II. Introduction of new Council member

A. Steve Jossart (Georgia-Pacific) was introduced as the new member representing industrial laboratories.

III. Approval of Previous Meeting's Minutes

A. One minor edit was made to correct a misspelled name

B. The Council voted unanimously to approve the minutes as corrected above (Bowman/Herwig).

IV. Fourth Quarter Variance Requests

A. Greg Pils reported that one request for variance was received (and granted) during the past quarter.

B. The Milwaukee Metropolitan Sewerage District requested a variance to exempt their lab from code requirements s. NR 149.13, Wis. Admin. Code) to analyze PTs for Potassium due to the fact that potassium levels in PT samples have are significantly lower than anything they would ever measure.

V. Certification Renewal Status

A. Rick Mealy presented Council members and guests with the first look at the revisions made to Program certificates by presenting each with the FY 2006 certificate for their own facility. The certificate and list of certified/registered parameters has been split into two separate documents, an official certificate, and an accompanying Scope of Accreditations.

B. Mealy announced that this year certificates will be available, upon request, in Adobe's portable document format (PDF). An announcement of this fact will be made on the website and in LabNotes.

C. Mealy further reported that 378 of 439 certificates had already been printed and mailed, with another 30 ready to go. 32 labs owe one or more PT results (but certificates could be printed with an exception report). A total of seven (7) labs still owe fees (approximately \$12K).

VI. FY 2005 Audit Totals and Current Program Audit Status

- A. Greg Pils provided the council with a summary of the Laboratory Certification Program's audits, reports, and audit closures for the fourth quarter (to-date) of Fiscal Year 2005. The FY 2005 tallies appear in the tables on the following page. Pils noted that the Program is only one audit shy of the goal, but is a bit behind on reports.
- B. Speaking about the audit status reports, Pils noted that it has been nearly four (4) years since Columbia Analytical – Redding's last audit. Pils indicated that attempts had been made to schedule the on-site evaluation, but the facility expressed uncertainty about continuing with the Program. If the lab decides to renew its certification, an audit will likely be performed before the holidays.
- C. George Bowman noted that several audits remained open after a couple of years. Pils responded that the some of these audits are holdovers from when the Program went through workforce reduction. Citing one lab in particular, Pils noted that the SPL audit will be addressed during the next regularly scheduled audit.
- Bowman asked if these audits could just be closed out. Pils responded that the concept had been considered but was decided against because there may be outstanding audit issues in the laboratories.

Cumulative Totals

Central Office			Regional		
Total*		Annual Goals	Total*		Annual Goals
Audits	43	44	Audits	103	106
Reports	40	44	Reports	105	106
Closures	47	44	Closures	111	106

Quarterly Totals

1 st Quarter		2 nd Quarter*		3 rd Quarter		4 th Quarter	
CENTRAL OFFICE							
Audits	6	Audits	11	Audits	13	Audits	13
Reports	9	Reports	9	Reports	11	Reports	11
Closures	17	Closures	11	Closures	10	Closures	9
REGIONAL							
Audits	26	Audits	22	Audits	23	Audits	32
Reports	26	Reports	23	Reports	20	Reports	36
Closures	23	Closures	26	Closures	27	Closures	35

Total Labs by Responsibility

CO (Central Office)	128	309 Labs
NE (Northeast Region)	68	
WC (West Central Region)	88	
SC (South Central Region)	74	
SE (Southeast Region)	79	
O (Other/Reciprocity Labs)	10Labs certified via reciprocal agreement – not audited by WI LabCert

- D. R.T. Krueger asked for explanation of how the priority list is ordered, mentioning PACE Analytical and

AgSource Cooperative Services. Pils explained that database assigns a new revisit priority upon completion of the last previous audit tied to a revisit priority. The priority date is three years from the last revisit priority date.. Paul Junio agreed and cited his own lab (TestAmerica) as another example. His lab was audited September 2004 related to an application to add SDWA THMs, but felt it was important to undergo a complete audit, so they remain scheduled with a priority of October 2005, rather than updating the priority to September 2007.

- E. Pils added that the Program is always “a little behind the curve” in the first quarter of each fiscal year with respect to progress towards annual goals.. Typically at the end of the summer we see a lag period. It’s hard to schedule audits during this period due to vacations being taken by both lab staff and LabCert Program staff.

VII. NR 700 Revision Status

- A. Pils summarized key changes in the section titled, “Changes to Analytical Procedures”, as this is part of the rule change that really affects labs.
- The proposal eliminates standards for GRO & DRO, focusing instead on VOCs and PAHs.
 - The proposal eliminates names associated with soil sampling devices and preservation/storage techniques, and opens the door for allowing alternate devices
 - The proposal would allow the use of SW-846 method 5035 for analyzing VOCs in soil. This change would not replace existing methods, but will offer the use of method 5035 as well.
- This last bullet item initiated a lengthy discussion about the problems with method 5035 as well as problems with the sample collection procedure itself—which is not regulated.*
- B. Pils indicated that the the Bureau of Remediation and Redevelopment (Jane Lemcke, contact, (608) 267-0554) is planning to go before the Natural Resources Board at its October or December meeting to open the rule proposal to public comment. Paul Harris asked what this means for the LabCert Program. Pils responded that we are largely in a react mode in that we support the Programs. There may be some changes to tests and or test categories offered for certification under NR 149.
- C. Pils added that one change that would comes with this rule is that rather than using a reporting limit of 25 ppb for VOCs in soil, labs would have to report analytes to the LOD as required under s. NR 149.15. This revelation was met with concern from Paul Junio that this issue is a technical concern that he was not comfortable that the NR 700 Rules Committee would be able to grasp. Pils responded that the avenues for labs would be to contact Mary Christie of PACE, who is a member of the Technical Focus Group.
- D. Pils added that the Focus Group is very open to suggestions and comments, and that Mark Giesfeldt/Jane Lemcke would respond to any comments. Dave Webb recommended that Pils mention the discussion which occurred at this meeting to Lemcke, and that the Council had concerns about how the Program was going to deal with these changes.

VIII. NR 149 Revision

- A. Dave Webb began the discussion by stating emphatically that he wants to get this proposed rule change “Yellow-sheeted” in September. The Yellow Sheet status informs the Natural Resources Board (NRB) that the rule will be coming forward shortly for their approval to open it up to public comment (i.e., the Green Sheet process).
- B. Webb further indicated his desire to present the Green Sheet at the December NRB meeting, which requires a Yellow sheet to be prepared by September, and the Green Sheet to be finalized early in November. Approval to move forward by the NRB at the December meeting would open the door for a 60-90 day comment period. Webb plans for a draft of the proposed rule, including all attachments and guidance, to go to the Rule Advisory Committee (RAC) prior to “green-sheeting” it.
- C. Webb explained that the reason for the delays has largely been the need to codify the analytes lists for which a lab could be certified for registered.
- D. Randy Herwig asked about the timetable for a final rule. Webb estimated that , assuming that the NRB granted approval of the Program’s response to comments in May 2006, the fastest track scenario would have the rule become law in December 2006.

- E. R.T. Krueger expressed concern that the RAC would be allowed to comment but [this group] would not. Webb explained that there would be plenty of time to meet, but the first step towards being able to discuss the rule is to open it to public comment.
- F. Randy Herwig asked about changes made to the proposed rule since the RAC agreed on the initial proposal. Webb indicated that it might be difficult to know the scope of changes made since that last draft (August 2004). Webb further indicated that if there's something in the proposed rule that shouldn't even be going to the NRB, Webb needs to be notified of the specific ASAP. The differences between the August 2004 draft and the final version, however should be minimal.

IX. Consistent Audit Practices

- A. Paul Junio initially raised a question about how dilution affects the reported detection limit and then asked how decisions stemming from issues resolved during an audit are communicated to other LabCert staff members. Pils responded that there are a couple of mechanisms, beginning with regular biweekly staff meetings. The first agenda item for these meetings is audits conducted since the prior meeting. This is an opportunity for auditors to share unique or otherwise valuable findings.

Pils also noted that during the audit report review process, citations and supplementary information are reviewed to ensure consistency of what is being cited and how it is cited. Pils went on to explain that consistency issues generate a great deal of heated discussion at staff meetings because even the auditors don't always agree on the best course of action. There is certainly room for Program improvement on this issue.

George Bowman suggested that this is specifically why he'd like to see the LabCert Program develop an SOP for auditing. He mentioned that if his lab didn't have all their SOPs in order, it would result in a lot of problems with NELAC auditors. Indicating that he personally does not favor checklists, Pils asked for more specific guidance. Was the Council looking for an SOP of audit mechanics (i.e., arrival, interview analysts, review procedures and data, debrief)? How much detail was the Council looking for. Bowman responded that he would be interested in seeing an SOP regarding the administrative aspects of an audit, but was more interested in seeing written procedures for when an auditor looks at data, what are they looking for. He added that Minnesota's LabCert Program is working on identifying a list of key items that are reviewed for each test.

As an example, Rick Mealy was asked by Bowman to summarize the upcoming workshop they are preparing for the WWOA conference regarding the details of an audit and what specific things, for each test, a wastewater lab can expect to be asked to provide.

Dave Webb indicated that the Program is behind in preparing checklists but that he has seen a draft for the BOD procedure. Pils stated that from the auditor's perspective, they need to see a legitimate purpose and do not want to go through the exercise of developing checklists without a clear understanding of they will be used. Pils added that there are external Outreach documents, internal training documents, and SOPs. Each serves a different purpose, targets a different audience, and each requires the use of different language. Bowman responded that he felt it was being broken down into too many pieces. Bowman also indicated that that trying to build a single document that serves all three purposes often results in a watered-down product that fails to be effective for any purpose.

Webb closed the discussion by stating that he wants to start on a small scale and build from there. He indicated that the Program would start with mechanics and develop checklists for each of the four main wastewater laboratory analyses (BOD, TSS, ammonia, total phosphorus).

X. FY2006 Training & Outreach Discussion

- A. Webb initiated the discussion by reminding the Council that the \$15K they had voted to allocate (from the LabCert Program fiscal 2006 budget) for training is "in the bank" and he is looking for a conscious decision and strong advocacy on how to spend the money.
- B. Paul Junio asked if the NR 149 revision would be effective this year and thus would be a good subject for training sessions. Pils and Webb indicated that the revised Code would not be something for this year. Randy Herwig asked whether, once the revised code is finalized, whether training on the changes would be provided using these monies or is this money independent. Pils responded that the LabCert budget is so far below the statutory spending authority that next year's budget could easily handle a special line item to cover NR 149 training costs, provided that the council and NR Board would support the fee increase necessary to fund training expenses.

- C. Bowman offered a proposal whereby the State Laboratory of Hygiene would develop and present a 1-day training workshop devoted to advanced ICP analysis at a cost of \$7500, and the development and presentation of a 1-day session devoted to “Beyond the Basics” of BOD testing at a cost of \$4000. Bowman indicated that the idea for the BOD session resulted from a very successful similar session he and Mealy had presented in Minnesota in July 2005. The ICP workshop would be a follow-up to the 2-day session the State Lab and DNR held in April 2003. The focus for this session would be background correction and interelement spectral interference correction. The session would also include a challenging PT sample that 10 or more labs would analyze in a round robin study.
- D. Webb indicated that he’d like to initiate a policy to retain at least \$3500 in the training fund until the middle of the fiscal year to enable us to react to issues that develop that might require some training for resolution.
- E. The council voted unanimously (Herwig/Junio) to allocate \$11,500 of LabCert training funds to develop and complete the training sessions for ICP and BOD as outlined in the proposal offered by George Bowman.

XI. Other Program and DNR Business

- A. Webb indicated that he had no other Program or DNR issues to mention.
- B. SDWA Conference call – Pils announced that a conference call was scheduled with EPA Region V and folks from EMSL-Cincinnati. One item of note is that NIST is getting out of the PT Provider accreditation business. A2LA will be taking over. Pils agreed to summarize the information obtained during the conference call at the next Council meeting.

XII. Council Member Issues

- A. Paul Junio provided a brief overview of the state of the NELAC program. Texas has recently been accepted as an accrediting state. That brings the list of NELAC states to 12 with 13 accrediting authorities (one state is separated into two programs). Junio does not view NELAC as “dying on the vine” but doesn’t see the program as moving forward either. He indicated that the last conference had about 270 attendees. R.T. Krueger asked if the LabCert Program still had representation at NELAC. Webb responded that one staff member attends but on professional development status through the union contact. He likened it to a working vacation.

XIII. Future Meeting Date

- A. The next Council meeting was tentatively scheduled for Thursday, November 17. The meeting was tentatively scheduled to be held at the State Laboratory of Hygiene. George Bowman was assigned responsibility for bringing donuts.